

Yackulic, Ted

From: Yackulic, Ted
Sent: Thursday, June 19, 2014 8:52 AM
To: Justin D. Leonard
Cc: Frederick.Phillips@USDOJ.GOV; Kenneth Eiler; Feldman, Stephen (Perkins Coie); Shawn Ryan
Subject: RE: ABSORBENT - Signed settlement

Is the signed version of our form the Settlement Agreement? Thanks.

From: Justin D. Leonard [mailto:jleonard@ml-llp.com]
Sent: Wednesday, June 18, 2014 5:36 PM
To: Yackulic, Ted
Cc: Frederick.Phillips@USDOJ.GOV; Kenneth Eiler; Feldman, Stephen (Perkins Coie); Shawn Ryan
Subject: Re: ABSORBENT - Signed settlement

Ted,

Thanks for your email and call. Upon the signing of your proposed "Responsiveness Summary and Effective Date" form that you had attached (a scan is fine), we will consider the previously-Bankruptcy-Court-approved settlement as being fully effective and the Trustee can then immediately arrange for the payment of the \$115,000 to the escrow account that the Queen Landlord has set up. I don't think you need to do anything more than forwarding the signed version of your form for the payment to be made, but I will talk to Stephen and confirm.

Stephen -- can you please forward the instructions for wiring the escrow funds?

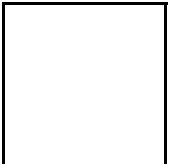
Thanks,

Justin

- - -

Justin D. Leonard

Admitted in Oregon, Washington & Idaho



McKittrick Leonard LLP | Commercial Bankruptcy & Business Law
111 SW Columbia, Ste. 1100 | Portland, OR 97201
P 971.634.0190 | F 971.634.0250 | **D 971.634.0192**

On Wed, Jun 18, 2014 at 12:37 PM, Yackulic, Ted <yackulic.ted@epa.gov> wrote:

Everyone,

Attached is a draft of a written notice, pursuant to paragraph 44 of the Settlement Agreement, that provides EPA's determination that the Settlement Agreement is now effective. I am sending it around because I have a question about the payment instruction. The Settlement Agreement requires that payment of the \$250,000 be made to EPA two business days after the escrow account is fully funded and the escrow receives a legally binding copy of the Settlement Agreement.

Do you know if the second requirement is satisfied by EPA sending the escrow a copy of the Settlement Agreement and written notice on Effective Date?

If yes, to whom doe EPA send the notice and settlement agreement.

Thanks for the help.

Ted Yackulic, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Phone: [206-553-1218](tel:206-553-1218)

yackulic.ted@epa.gov

From: Justin D. Leonard [mailto:jleonard@ml-llp.com]

Sent: Thursday, June 12, 2014 9:45 AM

To: Yackulic, Ted

Cc: Frederick.Phillips@USDOJ.GOV; Kenneth Eiler; Feldman, Stephen (Perkins Coie); Shawn Ryan

Subject: Re: ABSORBENT - Signed settlement

Ted -- were any comments received by yesterday's deadline? Can you advise on the timeline for approval at this point? Is the settlement now effective or do we have to wait longer?

Thanks for your help.

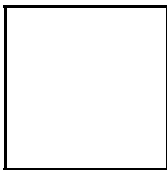
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On Tue, May 13, 2014 at 8:33 AM, Yackulic, Ted <yackulic.ted@epa.gov> wrote:

I just received word that the settlement was published in the Federal Register today. Here is a link I was sent:

https://www.federalregister.gov/articles/2014/05/12/2014-10844/proposed-cercla-administrative-cost-recovery-settlement-absorbent-technologies-site-albany-or?utm_content=previous&utm_medium=PrevNext&utm_source=Article

I've also attached is a pdf of the final AOC. This includes the changes that were made while the settlement was being reviewed by the Department of Justice. Thanks.

Ted Yackulic, Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 900

Seattle, WA 98101

Phone: [206-553-1218](tel:206-553-1218)

yackulic.ted@epa.gov

From: Justin D. Leonard [mailto:jleonard@ml-llp.com]

Sent: Tuesday, April 29, 2014 5:57 PM

To: Yackulic, Ted; Frederick.Phillips@USDOJ.GOV

Cc: Kenneth Eiler; Feldman, Stephen (Perkins Coie); Shawn Ryan

Subject: ABSORBENT - Settlement Status? / Update re D&O Claim & Denial

Ted & Fred,

I've not heard from you in a while regarding our settlement. Is review/approval still pending? Please update us on status.

In the meantime, I wanted to give you a heads-up on a D&O policy that we recently learned about. Despite a pollution exclusion, we submitted a notice of claim that was just denied. For background, I've attached the claim we made (forwarded by the following email), the referenced exhibits (including the policy itself), and the denial letter we received last week.

When one of you had asked during the settlement process, I previously advised that we did not have any other assets or other coverage besides the policies and denial letters that we previously forwarded. However, that was before we learned about this D&O policy (which was not scheduled as an asset by the Debtor) and Mr. Moffenbeier's claim on it, based on the EPA's demand letter to him. Not that this necessarily changes things (particularly in light of the denial and the inability so far of finding a coverage attorney to challenge the insurance company's denial), but as a potential asset of the Estate, I wanted to advise you of it.

I look forward to hearing from you regarding a status update when you have a moment.

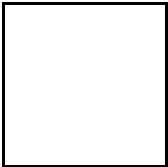
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----- Forwarded message -----

From: **Justin D. Leonard** <jleonard@ml-llp.com>

Date: Tue, Apr 15, 2014 at 1:24 PM

Subject: ABSORBENT - Revised Claim TEMP82581 under Navigator's Policy #NY12DOL617813IV

To: navproclaims@navg.com

Cc: Kenneth Eiler <kenneth.eiler@7trustee.net>, "Carroll, Cindy" <Cindy.Carroll@willis.com>

Navigators Pro Claims Dept.,

Please see the attached letter and enclosures, identical to our April 8, 2014 letter (assigned Claim No. TEMP82581), but now including an additional (5th) referenced exhibit that I just noticed had been inadvertently excluded from the original claim/letter.

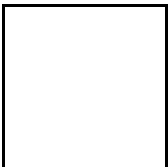
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From: **Justin D. Leonard** <jleonard@ml-llp.com>

Date: Tue, Apr 8, 2014 at 4:05 PM

Subject: ABSORBENT - Claim under Navigator's Policy #NY12DOL617813IV

To: navproclaims@navg.com

Cc: Kenneth Eiler <kenneth.eiler@7trustee.net>, "Carroll, Cindy" <Cindy.Carroll@willis.com>

Navigators Pro Claims Dept. -- please see the attached letter and enclosures.

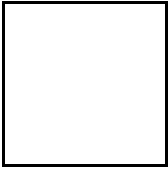
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